



Agenda Date: 05/15/02
Agenda Item: III E

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF COMCAST)
CABLEVISION OF CENTRAL NEW JERSEY,)
INC.; COMCAST CABLEVISION OF JERSEY)
CITY, INC.; COMCAST CABLEVISION OF)
THE MEADOWLANDS, INC.; COMCAST)
CABLEVISION OF MONMOUTH COUNTY,)
INC.; COMCAST CABLEVISION OF)
NORTHWEST NEW JERSEY, INC.;)
COMCAST CABLEVISION OF OCEAN)
COUNTY, INC.; COMCAST CABLEVISION OF)
NEW JERSEY, INC., COMCAST)
CABLEVISION OF THE PLAINFIELDS, INC.;)
COMCAST CABLEVISION OF NEW JERSEY,)
LLC; COMCAST CABLEVISION OF LONG)
BEACH ISLAND, INC.; COMCAST)
CABLEVISION OF MERCER COUNTY, INC.;)
COMCAST CABLEVISION OF HOPEWELL)
VALLEY, INC.; COMCAST CABLEVISION OF)
LAWRENCE, INC. AND COMCAST)
CABLEVISION OF SOUTHEAST)
PENNSYLVANIA, INC. REQUEST FOR)
WAIVER, NUNC PRO TUNC, OF NOTICE)
FOR ALTERATION IN CHANNEL)
ALLOCATION)

DECISION AND ORDER

DOCKET NO. CO02030176

(SEE ATTACHED SERVICE LIST)

BY THE BOARD:

On March 11, 2001, Comcast Cablevision of Central New Jersey, Inc.; Comcast Cablevision of Jersey City, Inc.; Comcast Cablevision of the Meadowlands, Inc.; Comcast Cablevision of Monmouth County, Inc.; Comcast Cablevision of Northwest New Jersey, Inc.; Comcast Cablevision of Ocean County, Inc.; Comcast Cablevision of New Jersey, Inc.; Comcast Cablevision of the Plainfields, Inc.; Comcast Cablevision of New Jersey, LLC.; Comcast Cablevision of Long Beach Island, Inc.; Comcast Cablevision of Mercer County, Inc.; Comcast Cablevision of Hopewell Valley, Inc.; Comcast Cablevision of Lawrence, Inc. and Comcast Cablevision of Southeast Pennsylvania, Inc. ("Petitioners" or "Comcast"), with offices located at 90 Lake Drive, East Windsor, NJ 08520, 2121 Kennedy Boulevard, Jersey

City, NJ 07305, 171 River Road, North Arlington, NJ 07031, 403 South Street, Eatontown, NJ 07724, 55 Port Murray Road, Port Murray, NJ 07865, 800 Rahway Avenue, Union, NJ 07083, 751 Brick Boulevard, Brick, NJ 08723, 73 Rock Avenue, Plainfield, NJ 07063, 830 Route 37 West, Toms River, NJ 08755, 1202 Long Beach Boulevard, Ship Bottom, NJ 08008 and 940 Prospect Street, Trenton, NJ 08618, respectively, filed a letter, in lieu of Petition, with the Board, requesting a waiver of the time requirements for providing notice of alterations of channel allocations, stemming from the addition of new programming.

The principal change in programming stems from an early March agreement reached with the YankeesNets organization pursuant to which the above referenced Comcast systems will be permitted to add the Yankees Entertainment and Sports ("YES") network to their channel lineups. YES is a new 24-hour regional sports network that will show 130 Yankees games this season, in addition to other sports programming. To accommodate YES, various channel alterations were necessitated.

The agreement with respect to carriage of YES was not reached until March 8, 2002, thereby leaving the Petitioners insufficient time to provide subscribers and municipalities with notice of same at least thirty (30) days in advance of the April 1, 2002 planned launch date of YES.

N.J.A.C. 14:18-3.17(a) and (b) states that each cable TV company shall notify the Office of Cable Television, its subscribers and municipalities of an alteration in channel allocation prior to the effective date for new additions which do not require deletions or cutbacks in other services. For all other changes the operator must provide notice at least thirty (30) days prior to the effective date.

Pursuant to N.J.A.C. 14:18-3.17(b), the thirty (30) day notice requirement does not apply when new additions do not require rate changes, deletions or cutbacks in other services. In that instance, notice need only be prior to the effective date, not at least 30 days prior. This is the case with the Comcast Cablevision of Southeast Pennsylvania ("Comcast SEPA") system. Originally included in Comcast's waiver request, Comcast notified the Board on March 29, 2002, that the cost of YES was incorporated into Comcast SEPA's timely filed Expanded Basic rate increase effective April 1, 2002 and that there will be no independent increase in Comcast SEPA's rates stemming from the YES channel addition. Since the YES notices were all prior to the effective date of April 1, 2002, the Comcast SEPA notice is within the regulations. Accordingly, a waiver is not needed for Comcast SEPA.

N.J.A.C. 14:18-3.17(c)(3) allows for relaxation of the thirty (30) day notice requirement when sudden changes are made by the programming service. Accordingly, Petitioners chose to request a waiver, nunc pro tunc, of the thirty (30) day notice of an alteration in channel allocation, since they provided less than thirty (30) days notice prior to the effective date of the alterations.

Additional information, attesting to the notice provided to both subscribers and affected municipalities, was submitted on March 19, 2002. Municipal officials were notified of the change by letter on or about March 19, 2002. Subscribers were notified of the change through advertisements in newspapers of general circulation on March 24, 2002 and March 27, 2002.

Having reviewed this matter, the Board HEREBY FINDS that the waiver, of the notice period requested, is appropriate and is necessary for immediate compliance with State regulations. Therefore, the Board HEREBY APPROVES, nunc pro tunc, Petitioners' request for waiver of notification requirements as hereinabove described.

DATED: May 16, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY

**I/M/O COMCAST CABLEVISION OF CENTRAL NEW JERSEY, INC., COMCAST
CABLEVISION OF JERSEY CITY, INC.; COMCAST CABLEVISION OF THE
MEADOWLANDS, INC.; COMCAST CABLEVISION OF MONMOUTH COUNTY, INC.;
COMCAST CABLEVISION OF NORTHWEST NEW JERSEY, INC.; COMCAST
CABLEVISION OF OCEAN COUNTY, INC.; COMCAST CABLEVISION OF NEW JERSEY,
INC., COMCAST CABLEVISION OF THE PLAINFIELDS, INC.; COMCAST CABLEVISION OF
NEW JERSEY, LLC; COMCAST CABLEVISION OF LONG BEACH ISLAND, INC.;
COMCAST CABLEVISION OF MERCER COUNTY, INC.; COMCAST CABLEVISION OF
HOPEWELL VALLEY, INC.; COMCAST CABLEVISION OF LAWRENCE, INC. AND
COMCAST CALBVISION OF SOUTHEAST PENNSYLVANIA, INC.
REQUEST FOR WAIVER NUNC PRO TUNC, OF NOTICE FOR ALTERATION
OF CHANNEL ALLOCATION**

DOCKET NO. CO02030176

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